IN THE CIRCUIT COURT OF JEFFERSON COUNTY, ALABAMA
BIRMINGHAM DIVISION

KEN McFEETERS,
Plaintiff,

v.

THOMAS HAWLEY TUBERVILLE, individually and in his official capacity as the certified nominee of the Alabama Republican Party for the office of Governor; and WESLEY HARRISON ALLEN, in his official capacity as Secretary of State of Alabama,
Defendants.

Civil Action No.:
01-CV-2026-903312.00

JURY TRIAL DEMANDED

PLAINTIFF'S AMENDED MOTION FOR EXPEDITED CONSIDERATION

Plaintiff Ken McFeeters, pursuant to Rules 6(b), 26(d), 30, 42(b), 45, 57, and 65 of the Alabama Rules of Civil Procedure and the Court's inherent authority to control its docket in matters of urgent public importance, respectfully submits this Amended Motion for Expedited Consideration. This Amended Motion supersedes the Motion for Expedited Consideration filed contemporaneously with the Verified Complaint on July 28, 2026, and supersedes any previously circulated draft Amended Motion, and updates the proposed schedule to reflect (i) the actual date of Clerk-issued Certified Mail service of the Verified Complaint and Summons; (ii) the completed filing on August 1, 2026 of the three-part Verified Complaint Exhibit Binder (Exhibits 1 through 22); and (iii) the compressed but achievable sequence of Rule 45 non-party depositions and the Rule 30 party deposition of Defendant Tuberville that preserves the August 19, 2026 statutory substitution deadline under Ala. Code Section 17-13-23. In support, Plaintiff states as follows.

I. BASIS FOR AMENDMENT

1. Plaintiff filed the Verified Complaint and the original Motion for Expedited Consideration in this action on July 28, 2026 at 9:51 P.M. Central Time (Electronic Document Stamp CV2026903312007/28/2026 9:51:21 PM1425c74c-266a-41bf-ae94-87dd1eb5b661). The Circuit Clerk issued Summons to Defendant Thomas Hawley Tuberville and to Defendant Wesley Harrison Allen contemporaneously with the filing and initiated Certified Mail service of process at Plaintiff's written request.

2. On August 1, 2026, Plaintiff filed the three-part Verified Complaint Exhibit Binder on AlaFile as three separate EXHIBIT LIST filings under the Miscellaneous filing category: Part 1 of 3 (Exhibits 1 through 11), Electronic Document Stamp 50883661-e144-4395-9d2b-d5d3e4e42ead, filed August 1, 2026 at 11:24:33 A.M.; Part 2 of 3 (Exhibits 12 through 19), Electronic Document Stamp 77d6a1e7-0a8c-4fb8-a6d8-1361da96a253, filed August 1, 2026 at 11:30:00 A.M.; and Part 3 of 3 (Exhibits 20 through 22), Electronic Document Stamp f2ae7564-4ef9-47d6-8734-c0d7b8c0165c, filed August 1, 2026 at 11:32:29 A.M. The three-part filing structure was necessitated by the AlaFile per-document upload size ceiling; the three parts constitute a single logical binder of three hundred fifty-nine (359) pages incorporated by reference into the Verified Complaint under Ala. R. Civ. P. 10(c).

3. Concurrently with the filing of this Amended Motion on August 1, 2026, Plaintiff has caused the same to be electronically served on all counsel of record through the AlaFile system pursuant to Ala. R. Civ. P. 5(b)(2)(E) and the Alabama Electronic Filing Rules. In addition, on Monday, August 3, 2026, Plaintiff will effect United States Postal Service Certified Mail service, Return Receipt Requested, on each Defendant, and on each non-party witness identified below, of a complete recipient-inclusive paper packet containing every document filed in this action from the July 28, 2026 initiating filing through the date of this Amended Motion, comprised of: (a) a duplicate paper copy of the Verified Complaint for Declaratory Judgment, Injunctive Relief, and Judicial Estoppel with Verification of Kenneth Robert McFeeters; (b) a duplicate paper copy of the Circuit Court Civil Case Cover Sheet; (c) a duplicate paper copy of the Companion Civil Case Cover Sheet; (d) a duplicate paper copy of the Motion for Expedited Consideration; (e) a duplicate paper copy of the Clerk-issued Summons dated 07/28/2026; (f) the three-part Verified Complaint Exhibit Binder filed August 1, 2026 (Parts 1, 2, and 3 of 3); (g) this Amended Motion for Expedited Consideration; (h) the Notice of Taking Rule 30 Deposition of Defendant Thomas Hawley Tuberville; (i) the Notice of Intent to Serve Rule 45 Subpoena and Taking of Deposition of Non-Party Witness Thomas Tucker Tuberville (with Schedule A document-production list); (j) the Notice of Intent to Serve Rule 45 Subpoena and Taking of Deposition of Non-Party Witness Suzanne Marie Tuberville (with Schedule A document-production list); (k) the Proposed Order Granting this Amended Motion; and (l) the Amended Certificate of Service. The Clerk-served paper copies identified in subparts (a) through (e) are being re-served in paper form in an abundance of caution and for the parties' convenience, to eliminate any argument that either Defendant lacks notice of any component of the case record; the Clerk's original Rule 4(i) Certified Mail service of those items on July 28, 2026 is not disturbed by the courtesy re-service.

4. The August 19, 2026 statutory ballot-substitution deadline under Ala. Code Section 17-13-23 is unchanged and remains eighteen (18) calendar days from the date of the filing of this Amended Motion.

II. STATUTORY DEADLINE COMPELLING EXPEDITION

5. Ala. Code Section 17-13-23, as amended by Act 2014-6, provides that the State Executive Committee of a political party may certify a substitute nominee to the Secretary of State to fill a nomination vacancy only if the certification is made no later than seventy-six (76) days before the general election. The 2026 general election is set for Tuesday, November 3, 2026. Seventy-six (76) days before that date is Wednesday, August 19, 2026.

6. Absent expedited consideration, the ordinary time periods for responsive pleadings under Ala. R. Civ. P. 12 (thirty days), Rule 26 general discovery, and dispositive motion practice will consume the entirety of the substitution window and render the requested declaratory relief practically moot. The Alabama Supreme Court has repeatedly recognized that election-related declaratory-judgment actions require expedited treatment where a statutory deadline governs. See Ex parte Naftel, 763 So. 2d 964, 967 (Ala. 2000); Osborn v. Roche, 813 So. 2d 811 (Ala. 2001).

7. The compressed schedule set forth in Paragraph 9 below preserves five (5) calendar days of drafting and ruling time between the completion of the party deposition of Defendant Tuberville on August 13, 2026 and the August 19, 2026 statutory substitution deadline, culminating in an entry of final judgment on or before Tuesday, August 18, 2026 and reserving Wednesday, August 19, 2026 as a full business day for the Alabama Republican Party State Executive Committee ministerial action required under Ala. Code Section 17-13-23. That preserved window is sufficient for expedited transcript production, any motion for summary judgment or motion for declaratory judgment on a stipulated record, judicial ruling on the merits, and the Alabama Republican Party State Executive Committee ministerial action required under Ala. Code Section 17-13-23.

III. LEGAL STANDARD FOR SEVEN-DAY NOTICE COMPRESSION

8. Alabama Rule of Civil Procedure 6(b) provides that the Court, for good cause shown, may in its discretion order any prescribed period enlarged or reduced. Alabama Rule of Civil Procedure 26(d) authorizes the Court, upon motion, to alter the sequence and timing of discovery, including compressing the ordinary notice periods otherwise applicable to depositions and subpoenas. Alabama Rule of Civil Procedure 30(b)(1) requires "reasonable notice" for depositions upon oral examination; and Alabama Rule of Civil Procedure 45(c)(3)(A) authorizes non-party witnesses to move to quash subpoenas that fail to allow "a reasonable time to comply," without prescribing a fixed minimum. "Reasonable notice" and "reasonable time" under the Rules are elastic standards to be applied in light of the exigencies presented by each case. Given the statutory election deadline compelling expedition, seven (7) to ten (10) days of notice from the date of Certified Mail service on the witness is reasonable and consistent with Alabama practice in expedited election-eligibility cases.

IV. AMENDED EXPEDITED SCHEDULE

9. Plaintiff respectfully requests that this Court enter an Order setting the following amended schedule:

a. Defendants shall answer or otherwise respond to the Verified Complaint on or before close of business Wednesday, August 12, 2026, on an expedited basis under Rule 6(b);

b. The Rule 45 non-party deposition of Thomas Tucker Tuberville is set for Wednesday, August 12, 2026, commencing at 9:00 A.M. Central Time, at the Jefferson County Circuit Court, Birmingham Division, in a conference room to be designated by the assigned Circuit Judge;

c. The Rule 45 non-party deposition of Suzanne Marie Tuberville is set for Wednesday, August 12, 2026, commencing at 1:30 P.M. Central Time, at the Jefferson County Circuit Court, Birmingham Division, in a conference room to be designated by the assigned Circuit Judge;

d. The Rule 30 party deposition of Defendant Thomas Hawley Tuberville is set for Thursday, August 13, 2026, commencing at 10:00 A.M. Central Time, at the Jefferson County Circuit Court, Birmingham Division, in a conference room to be designated by the assigned Circuit Judge;

e. Any dispositive motion or motion for declaratory judgment on the merits shall be filed on or before close of business Friday, August 14, 2026, with any opposition due by close of business Monday, August 17, 2026;

f. This Court shall enter final judgment on or before Tuesday, August 18, 2026, so that the Alabama Republican Party State Executive Committee may act on any resulting nomination vacancy in time to meet the August 19, 2026 statutory deadline under Ala. Code Section 17-13-23; and

g. Plaintiff is granted leave to conduct the depositions identified in subparagraphs (b), (c), and (d) above at the Jefferson County Courthouse, Birmingham Division, 716 Richard Arrington Jr. Boulevard North, Birmingham, Alabama 35203, in a conference room or courtroom to be designated by the Circuit Clerk's office or by the assigned Circuit Judge.

V. INCORPORATION BY REFERENCE

10. All argument, authority, and factual recital set forth in the original Motion for Expedited Consideration filed July 28, 2026, including but not limited to the directly controlling precedent of the July 9, 2026 Order of the Honorable Brooke E. Reid in State of Alabama ex rel. Dorgan and LeBlanc v. Tuberville, Case No. CV-2026-901053.00 (Montgomery Cty. Cir. Ct.), and the merits-ready posture established by the twenty-two (22) primary-source exhibits filed August 1, 2026 as the three-part Verified Complaint Exhibit Binder, is incorporated by reference into this Amended Motion as if fully set forth herein.

VI. CONCLUSION AND PRAYER

WHEREFORE, Plaintiff Ken McFeeters respectfully requests that this Court enter the Proposed Order lodged with this Amended Motion, granting expedited consideration of this action on the amended schedule set forth in Paragraph 9 above, and granting such other and further relief as the Court deems just and proper.

Respectfully submitted this 1st day of August, 2026.

_/s/ Ken McFeeters_____
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CERTIFICATE OF SERVICE

I hereby certify that on the 3rd day of August, 2026, I served the foregoing Plaintiff's Amended Motion for Expedited Consideration on the following by U.S. Certified Mail, Return Receipt Requested, with courtesy copies transmitted by electronic mail the same day:

Thomas Hawley Tuberville
c/o Joe Espy, III, Esq. (ESP002)
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Wesley Harrison Allen, in his official capacity

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with additional copy to:
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Montgomery, Alabama 36130

_/s/ Ken McFeeters_____
Ken McFeeters, Plaintiff Pro Se